

UNITED STATES DISTRICT COURT
for the
District of Massachusetts

JOSE MARIA DECASTRO, an individual)	Case No. 1:22-cv-11421
)	
Plaintiff,)	
)	
v.)	
)	
JOSHUA ABRAMS, an individual, et al.,)	
)	
Defendants.)	

SUPPLEMENTAL POINTS AND AUTHORITIES FOR PLAINTIFF’S MOTION TO

DISMISS JOSHUA ABRAMS’S COUNTERCLAIM

Lack of subject-matter jurisdiction (Fed. R. Civ. P. 12(b)(1))

Counterclaim is also not logically related (a part of the same case or controversy), and therefore requires an independent basis for jurisdiction. *McCaffrey v. Rex Motor Transp., Inc.*, 672 F.2d 246, 249 (1st Cir. 1982).

REQUEST FOR HEARING

Pursuant to L.R. 7.1(d), I hereby request oral argument – at the Court’s election – on the issues presented in this motion.

In ECF No. 52, this Court said “... the Court will not now transfer the case because Plaintiff has had a change of heart-as appealing as that option might be.” In that order and since then, this Court has made assumptions and used harsh words toward me because of those negative assumptions, which certainly isn’t just. I am a pro se litigant. This is the first time I’m doing this. I should not be attacked for simply filing a motion. I’m **NOT ONLY** being attacked

online, but now I feel like I'm being attacked by the judge and the clerk as well. When I say that all of the witnesses for a case are in Los Angeles, and I didn't know that I could have filed suit in Los Angeles, that is not simply a change of heart. That is what transfer motions were designed for. This Court also seems to admit that I didn't make five motions asking for the same thing, but said it anyway, just to be hyperbolic, or is choosing to interpret filings in the most prejudicial way toward me instead of in the way that I most reasonably intended.

When I ask for a hearing, in case you have questions that need answering, I'm not admitting to missing any argument that should grant that motion. I'm saying that this Court seems to be very curious about my intent when I'm making motions, and instead of filling in those gaps, please schedule a hearing so that I can answer those questions for you. I can't go on a fishing expedition trying to guess at all of this Court's curiosities and trying to answer them, every time I file a motion. The trolls claim that it is impossible for me to get a fair trial in this court. It is beginning to look that way to me as well.

CERTIFICATE OF SERVICE

Pursuant to Local Rules 7.1(c), I hereby certify that a true copy of the above document was electronically filed with the Clerk of the Court using CM/ECF, serving the known Defendants. Since the John Doe Defendants' identities are unknown, I was unable to send a copy of the foregoing documents to Defendant or Defendant's counsel.

/s/ Jose DeCastro

Dated: December 12, 2022